PATENT
Customer No. 22,852
Attorney Docket No. 11005.0065-00000
Huawei Reference No. 0210823US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
	) Group Art Unit: 2436
Tao ZHANG et al.	)
	) Examiner: Shiferaw, Eleni A.
Application No.: 10/531,569	)
	) Confirmation Number: 1394
Filed: April 18, 2005	)
	)
For: NETWORK SECURITY	) **Mail Stop AF**
AUTHENTICATION METHOD	)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests a pre-appeal brief review of the rejections under 35 U.S.C. § 103(a) in the Final Office Action mailed February 18, 2010, the period for response to which extends through May 18, 2010. This Request is being filed concurrently with a Notice of Appeal, in accordance with the Official Gazette Notice of July 12, 2005.

A pre-appeal brief review of the rejection set forth in the Final Office Action is proper because: (1) the application has been at least twice rejected; (2) Applicants have concurrently filed a Notice of Appeal (prior to filing an Appeal Brief); and (3) this Pre-Appeal Brief Request for Review is five (5) or less pages in length and sets forth legal or factual deficiencies in the rejections. *See* Official Gazette Notice, July 12, 2005.

REMARKS

In the Final Office Action[1], the Examiner rejected claims 1, 4, 5 and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over US 6,961,857 ("*Floryanzia*") in view of US 6,353,891 ("*Borella*"), and further in view of "INTERNATIONAL TELECOMMUNICATION, Series J: Cable Network and Transmission of Television, Sound Programme and Other Multimedia Signals—IPCablecom Trunkinq Gateway Control Protocol (TGCP), February 2002, J.171" ("*ITU*"); and has rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over *Floryanzia* in view of *Borella* and *ITU*, and further in view of US 2002/0120760 ("*Kimchi*").

Applicant respectfully traverses the rejection of claims 1, 4, 5, and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over *Floryanzia* in view of *Borella* and *ITU*. A *prima facie* case of obviousness has not been established.

Independent claim 1 calls for a combination including, for example, "configuring a Media Gateway (MG) with an authentication key and setting a security data package on a network protocol, by a Media Gateway Controller (MGC)." The Office asserted that *Floryanzia* teaches these elements, citing column 3, lines 54-67 and column 2, lines 49-60 of *Floryanzia* for support. *See* Final Office Action, pp. 5-6. However, this assertion is not correct.

Specifically, *Floryanzia* teaches a system including a Gatekeeper (102B), an Authentication Server (202), and a Gateway (110) which comprises a Media Gateway (116), a Media Gateway Controller (112), and a Signaling Gateway (114). *See*, e.g., *Floryanzia*, col. 6, l. 57 - col. 7, l. 18, and also FIG. 2A.

Floryanzia at best teaches that the Gatekeeper 102B authenticates <u>the Gateway 110, which comprises the Media Gateway Controller 112 and the Media Gateway 116</u>, via the authentication server 202. *See*, e.g., *Floryanzia*, col. 3, ll. 54-62. However, the Gatekeeper 102B of *Floryanzia*, as an individual entity different from the Gateway 110, is not equivalent to the Gateway Controller 112, which is part of the Gateway 110. In contrast, claim 1 recites "configuring a Media Gateway (MG) with an

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[1] The Final Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

authentication key and setting a security data package on a network protocol, <u>by a Media Gateway Controller (MGC)</u>" (emphasis added).

Moreover, *Floryanzia* teaches that "Gateway [110] sends an Access Token in all Registration Request messages" and that "Gatekeeper [102B] formats a message to [the] authentication server [202] that will authenticate the information contained in the Access Token." *Floryanzia*, col. 3, ll. 54-59. Therefore, in *Floryanzia*, the Gatekeeper 102B, which is the functional entity to authenticate and determine the legality of the access via the Authentication Server 202, neither configures nor sets any information on the Gateway 110, which is in the access party to be authenticated.

In view of the above, *Floryanzia* fails to teach or suggest at least "<u>configuring a Media Gateway (MG)</u> with an authentication key and setting a security data package on a network protocol, <u>by a Media Gateway Controller (MGC)</u>" as recited in claim 1 (emphases added).

Moreover, claim 1 further recites, in part, that "during a security authentication, <u>sending by the MGC</u> a security authentication request containing a security authentication parameter <u>to the MG</u> using the data package" and "<u>performing an encryption calculation</u> according to the security authentication parameter and the authentication key and reporting a calculation result <u>to the MGC, by the MG</u>" (emphases added). Even if *Floryanzia* could be reasonably argued to teach that a non-encrypted authentication request information is transmitted, which Applicant does not concede, Applicant respectfully submits that, similar to the above-noted discussion, the Gatekeeper of *Floryanzia* cannot constitute the claimed "Media Gateway Controller," and the Gateway also cannot constitute the claimed "Media Gateway." Further, the authentication server of *Floryanzia*, as the functional entity to authenticate and determine the legality of the access, neither configures nor sets any information in the Gateway as in the access party. In view of the above, *Floryanzia* also fails to teach that "during a security authentication, <u>sending by the MGC a security authentication request</u> containing a security authentication parameter <u>to the MG</u> using the data package," and "<u>performing an encryption calculation</u> according to the security authentication parameter

and the authentication key and reporting a calculation result <u>to the MGC, by the MG</u>" as recited in claim 1 (emphases added).

Moreover, claim 1 further recites, in part, "<u>determining by the MGC whether the MG is legal</u> by comparing the calculation result with a result calculated by the MGC" (emphasis added). The Office conceded that *Floryanzia* does not teach this element, but relied upon *Borella* to cure the deficiencies of *Floryanzia*, asserting that "two devices RSIP host and RSIP gateway [of *Borella*] are both used to calculate a calculated result based on a received parameters and determine legality." *See* Final Office Action, p. 7. However, this assertion is not correct.

Borella merely discloses <u>negotiating parameters</u> between the RSIP host device and the RSIP gateway. *See*, e.g., *Borella*, col. 8, l. 41 - col. 9, l. 46, and FIGS. 3 and 5. Neither the RSIP host device nor the RSIP gateway of *Borell* <u>compares</u> a result calculated by the other entity with a result calculated by itself to determine whether the other entity is <u>legal</u>. In addition, the RSIP host device of *Borella* is, for example, a PC (*see*, e.g., *Borella*, col. 3, ll. 22-33), and therefore cannot constitute the claimed "Media Gateway" or the claimed "Media Gateway Controller."

In view of the above, *Borella* also fails to teach or suggest "<u>determining by the MGC whether the MG is legal</u> by <u>comparing</u> the calculation result with a result calculated by the MGC" as recited in claim 1 (emphasis added), and thus does not compensate for the deficiencies of *Floryanzia*.

The Office further asserted that *ITU* "discloses configuring step before initiating an authenticating request." Final Office Action, p 8. Without acquiescing these assertions, Applicant submits that *ITU* fails to teach or suggest the above-noted elements recited in claim 1, and thus does not cure the deficiencies of *Floryanzia* and *Borella*.

Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1, and claim 1 is thus allowable.

Independent claims 7 and 9, although different in scope from independent claim 1, recite elements similar to those of claim 1. As such, for reasons similar to

those discussed above in regard to claim 1, claims 7 and 9 are also allowable. Claims 4, 5, 8, and 10 are also allowable at least due to their dependency from claim 1.

Applicant respectfully traverses the rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over *Floryanzia* in view of *Borella* and *ITU*, and further in view of *Kimchi*. A *prima facie* case of obviousness has not been established.

Claims 2 and 3 depend from claim 1, and thus include all the elements thereof. The Office asserted that *Kimchi* "discloses wherein said network protocol is Media Gateway Control Protocol" (Final Office Action, p. 9) and "discloses wherein said network protocol is H248 protocol" (Final Office Action, p. 10). Without acquiescing these assertions, Applicant submits that *Kimchi* also fails to teach or suggest the above-noted elements recited in claim 1, and included in claims 2 and 3, and thus fails to cure the deficiencies of *Floryanzia*, *Borella*, and *ITU*.

Therefore, a *prima facie* case of obviousness has not been established with respect to claims 2 and 3, and claims 2 and 3 are allowable.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that the rejections be withdrawn and that all claims be allowed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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